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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,973	10/20/2003	Ronny Dewinter	7330	8663

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EXAMINER
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RHEE, JANE J

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/687,973

Applicant(s)

DEWINTER, RONNY

Examiner

Jane Rhee

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/12/03, 12/16/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Rejections Withdrawn***

1. The 35 U.S.C. 103(a) rejection of claims 1-5,13-14 over Valle et al. in view of Frech has been withdrawn due to applicant's amendment filed on 6/13/2005.
2. The 35 U.S.C. 103(a) rejection of claims 6-10,12,16 over Vallet et al. in view of Fech and in further view of Romagnoli has been withdrawn due to applicant's amendment filed on 6/13/2005.
3. The 35 U.S.C. 103(a) rejection of claims 11 and 15 over Valle et al. in view of Frech and Romagnoli and in further view of Lambrechts has been withdrawn due to applicant's amendment filed on 6/13/2005.

### ***New Rejections***

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,5,13-14, 17-19,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valle et al. (5224774) in view of Frech (WO 96/02715).

As to claim 1 and 17, Valle et al. discloses a closed reinforcement fiber package comprising a package material which is disintegratable in concrete (col. 2 lines 54-62), and a plurality of reinforcing fibers being provided loosely in the reinforcement fiber package (figure 1 number 12). As to claim 5 and 18, Valle et al. discloses that the

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plurality of reinforcing fibers is made of steel (col. 1 line 59). As to claim 13 and 21, Valle et al. discloses that the package material includes a cellulose based foil (col. 3 line 48).

As to claim 1, 14, and 19 Valle et al. fail to disclose that the plurality of straight reinforcing fibers being provided in a substantially mutually parallel position in the reinforcement fiber package and the filling degree of reinforcing fibers of at least 75%. Valle et al. fail to disclose that the length of the reinforcing fibers is substantially the same as the length or width of the package and are provided lengthwise or widthwise in the package.

Frech teaches straight fibers of a given length being provided in a substantially mutually parallel position which are wound in a bunch and held together by a casing material of reinforcement fiber package of at least 75% as shown in figure 1, for the purpose of being bagged, stored, and transported in a considerably reduced volume (English abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide fibers in a substantially mutually parallel position in the reinforcement fiber package of at least 75% in order to be bagged, stored, and transported in a considerably reduced volume (English abstract) as taught by Frech.

Frech teaches that the fibers are the length of the package and are provided lengthwise in the package (figure 1) for the purpose to wind the fibers in a bunch and hold them together by a casing material (abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Sugimoto et al. with fibers that are the length of the package and provided lengthwise in the package in order to wind the fibers in a bunch and hold them together by a casing material (abstract).

As to the length of the reinforcing fibers being the same width of the package and provided widthwise in the package, it would have been an obvious to one having ordinary skill in the art to provide the length of the fibers being the same as the width of the package, since such a modification would have involved a mere change in the size of a component.

Furthermore, providing the fibers widthwise in the package would have been obvious to one having ordinary skill in the art at the time the invention was made, since it would have been obvious to one having ordinary skill in the art to have rearranged the fibers to be provided widthwise in the package wherein such a modification would have involved a mere rearrangement of the fibers in the package.

5. Claims 6-10,12,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valle et al. in view of Fech and in further view of Romagnoli (3813848).

Valle et al. and Fech discloses the closed reinforcement fiber package described above. Valle et al. fail to disclose a chain packing wherein a number of closed packages are joined to each other in a line or a strip. Romagnoli teaches a chain packing wherein a number of closed packages are joined to each other in a line or a strip for the purpose of having a package made in a high speed packaging machine (col. 1 line 10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Valle et al. with a chain packing wherein a number of closed packages are joined to each other in a line or a strip for the purpose of having a package made in high speed packaging machine as taught by Romagnoli (col. 1 line 10).

6. Claims 11,15, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valle et al. in view of Frech and Romagnoli and in further view of Lambrechts (6235108).

Valle et al., Frech and Romagnoli discloses the closed reinforcement fiber package described above. Valle et al. fail to disclose that the plurality of reinforcing fiber includes fibers having a variable cross section. Lambrechts teaches steel fibers for reinforcement of high performance concrete wherein the steel fibers have a thickness ranging from 0.08mm to 0.30m (col. 1 lines 51) for the purpose of improving the anchorage of steel fibers in the reinforcement of high performance concrete (col. 1 lines 44-46).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide fibers having a variable cross section in order to improve the anchorage of steel fibers in the reinforcement of high performance concrete (col. 1 lines 44-46) as taught by Lambrechts.

### ***Response to Arguments***

7. Applicant's arguments filed 6/13/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Frech taught directly away from applicant's claimed invention of reinforcing fibers being provided loosely in a reinforcement fiber package, Frech teaches away from loose packaging wherein, the loose packaging could mean that either the fibers in the loose packaging are random or that the fibers in loose packaging are parallel, however, if Frech teaches away from fibers being randomly placed in loose packaging then Frech does not teach away from applicant's claimed invention of reinforcing fibers being provided loosely *parallel* in a reinforcement fiber package just teaches away from *randomly* and loosely placed fibers in a package. However, if Frech teaches away from fibers that are parallel and loosely packaged then Frech teaches that it is well known in the art that reinforcing fibers can be provided loosely and parallel in a reinforcement fiber package. Furthermore, the term "loosely" is a relative term wherein the fibers in Frech's package is loose to a degree, therefore, with the reasons stated above Frech indirectly discloses that reinforcing fibers are provided loosely in a reinforcement package.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jane Rhee  
August 18, 2005



PATRICK JOSEPH RYAN  
SUPERVISORY PATENT EXAMINER